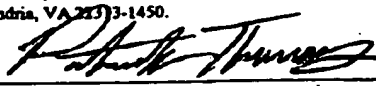




THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Durham, Kevin P.  
Serial No.: 10/602,841  
Filing Date: June 24, 2003  
Group No.: 3676  
Confirmation No. 9287  
Examiner: E. Peavey  
Title: ELASTOMERIC SEALING ELEMENT  
GAS COMPRESSOR VALVE

CERTIFICATE OF MAILING	
I hereby certify that this document is being deposited with the U.S. Postal Service "Express Mail to Addressee" service under 37 C.F.R. § 1.10 and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
	
Signature of Person Mailing Correspondence	
<u>Patrick Thomas</u>	
Typed or Printed Name of Person Mailing Correspondence	
Express Mail Label No.	<u>EL 812639870 US</u>
Date of Signature:	<u>April 18, 2005</u>

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION MAILED OCTOBER 19, 2004**

This is a response to the Official Action mailed October 19, 2005 in connection with the above-identified patent application. Applicants respectfully request reconsideration of the application. The response is timely filed because no shortened statutory period for response was set and therefore, no extension fees are due.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Adjustment Date: 09/12/2005 SDIRETA1  
05/02/2005 DJONES1 00000001 070153 10602841  
01 FC:1253 1020.00 CR

05/02/2005 DJONES1 00000001 070153 10602841  
01 FC:1253 1020.00 DA

**GARDERE**

attorneys and counselors ■ [www.gardere.com](http://www.gardere.com)

PATENT MAINTENANCE  
DIVISION

Writer's Direct: 214-999-4702

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2005 JUL 19 PM 11:25

US PATENT & TRADEMARK  
OFFICE

July 13, 2005

Via Facsimile: (703) 308-5077

U.S. Patent & Trademark Office  
Refunds Branch  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Deposit Account Charge  
Serial No. 10/602,841  
File No. : 954619-1009

Dear Sir/Madam:

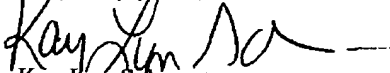
This is a request for refund in the amount of \$1020.00 to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP. This amount was posted to our account on May 2, 2005 under Serial No. 10/602,841, File No. 954619-1009.

Our Gardere Wynne Sewell office in Houston is no longer responsible for Cook Manley cases. Our records indicate this client was transferred to Carol M. Nielsen of the Winstead firm in Houston located at the 2400 Bank One Center, 910 Travis Street, Houston, Texas 77002 on September 25, 2004. We have been in contact with Carol Nielson's secretary Kathy Wooley regarding this incorrect charge. Ms. Nielsen has provided the attached correspondence to submit herewith.

Please issue a refund of \$1020.00 to the Gardere Wynne Sewell Deposit Account No. 07-0153. If you have any questions or need additional information, please do not hesitate to contact Kimberly Wirtz of our office at 214-999-4138, our IP Administrative Assistant in charge of our Deposit Account. If possible, kindly advise Kimberly when this credit is applied so that we may mark our records accordingly.

Thank you for your assistance in this matter.

Very truly yours,

  
Kay Lynn Schwartz

Enclosures  
KLS/ps

cc: Carol M. Nielsen, w/enclosures  
Ken Glaser, w/enclosures

DALLAS 1546450

GARDERE WYNNE SEWELL LLP

3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201-4761 ■ 214.999.3000 Phone ■ 214.999.4667 Fax  
Austin ■ Dallas ■ Houston ■ Mexico City ■ Tulsa ■ Washington, DC

# WINSTEAD

direct dial: 713-650-2722  
cnielsen@winstead.com

July 12, 2005

United States Patent and Trademark Office  
Attn. Deposit Accounts  
2051 Jamieson Avenue, Suite 300  
Alexandria, Virginia 22314

Re:       Invention:       ELASTOMERIC SEALING ELEMENT FOR GAS  
                                  COMPRESSOR VALVE  
          U.S. Pat. App. No.: 10/602,841  
          Our File No.:     43402/P002USP1

Dear Sir:

On March 8, 2005, a change in correspondence address was filed in connection with the above-identified patent application.

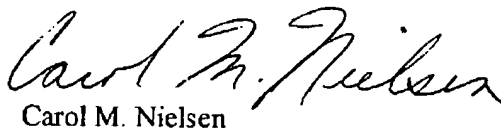
On April 18, 2005, Applicant filed a Response to the office action mailed on October 19, 2004. Enclosed please find a copy of the transmittal form as filed, the first page of the Response as filed and the return postcard showing the USPTO receipt date of April 18, 2005. Also, enclosed please find a copy of the first two pages of the October 19, 2004 Office Action.

A shortened statutory period was not set for response of the Office Action mailed October 19, 2005. Specifically, the second page of the Office Action states: "If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication." Therefore, the response was due on April 19, 2005 without request for extension and/or associated fees.

While no fees are believed due, the Director is hereby authorized to charge the Winstead Deposit Account No. 24-2426 for fees in connection with US Patent Application Serial Number 10/602,841. Please reference our docket number 43402/P002USP1.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Carol M. Nielsen

Enclosures

2400 BANK ONE CENTER  
910 TRAVIS STREET  
HOUSTON, TEXAS 77002

PH 713.650.8400  
FAX 713.650.2400  
WINSTEAD.COM

WINSTEAD SECHREST & MINICK  
Attorneys and Counselors  
A Professional Corporation

Austin, Dallas, Fort Worth,  
Houston, Mexico City, San Antonio,  
The Woodlands, Washington, DC



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,841	06/24/2003	Kevin Patrick Durham	954619-1009	9287

7590 10/19/2004  
Carol M. Nielsen  
GARDERE WYNNE SEWELL LLP  
Suite 3400  
1000 Louisiana  
Houston, TX 77002-5007

EXAMINER

PEAVEY, ENOCH E

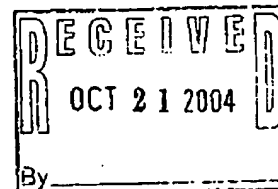
ART UNIT

PAPER NUMBER

3676

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

10/602,841

Applicant(s)

DURHAM, KEVIN PATRICK

Examiner

Enoch E Peavey

Art Unit

3676

*Handwritten initials*

**Period for Reply**  
 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

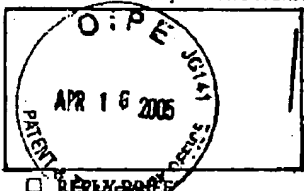
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 24 June 2003.
- ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

APR 28 2005  
DOCKETED

DOCKET NO: 43402/P002USP CLIENT (Ref): \_\_\_\_\_ ATTY/PRLG QMN  
Inv/Applicant: Durham TITLE: Elastomeric Sealing Element...  
App'l Grant No: 10/602,841  
PTO RECEIPT DATE STAMP:  
  
☐ New Patent Application: ☒ Transmittal Letter  
☐ App'l Data Sheet ☐ Fee Transmittal  
☐ Provisional ☐ Check(s) - \$ \_\_\_\_\_  
☐ Prov Cvr Sheet ☐ Issue Fee ☐ Check - \$ \_\_\_\_\_  
☐ Utility ☐ Maintenance Fee Transmittal  
☐ CONT ☐ Check - \$ \_\_\_\_\_  
☐ CIP / DIV ☐ PCT Request  
☐ CPA / RCE ☐ PCT Chapter II Demand  
☐ Plant ☐ PCT Fee Calculation Sheet  
☐ Design ☐ APPEAL ☐ APPEAL BRIEF ☐ REPLY-BRIEF  
☐ PCT ☐ Petition-Extension of Time - \_\_\_\_\_ Months ☐ Check - \$ \_\_\_\_\_  
☐ Drawing(s) \_\_\_\_\_ Sheets ☐ PETITION: \_\_\_\_\_  
☐ Gene Sequence ☐ FORM \_\_\_\_\_  
☐ Computer Readable ☐ FORM \_\_\_\_\_  
☐ Paper Copy ☒ Response to FORM Office Action mailed 10/19/04  
☐ Declaration ☐ Response/Amendment \_\_\_\_\_  
☐ Power of Attorney ☐ Resp. to Notice: Non-Compliant App'l / Missing Parts / Inv. To Correct Defects  
☐ PCT - Original / Copy ☐ Request for Correction: \_\_\_\_\_  
☐ Non-Publication Request ☐ OTHER: \_\_\_\_\_  
☐ IDS, PTO/SB/08A-B, # Ref: \_\_\_\_\_  
☐ Assignment - \$ \_\_\_\_\_ DUE: 4/19/05 MAILED: 4/18/05  
☐ Assignment Cvr Sheet  
☒ Mailed Via: EXPRESS MAIL No: EL 812639870 US OR ☐ Certificate of Mailing

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/602,841
	Filing Date	June 24, 2003
	First Named Inventor	Kevin P. Durham
	Art Unit	1647
	Examiner Name	E. Peavey
Total Number of Pages in This Submission	Attorney Docket Number	43402/P002USP1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Acknowledgment Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Winstead Sechrest & Minick, P.C.	
Signature	<i>Carol M. Nielsen</i>	
Printed name	Carol M. Nielsen	
Date	Reg. No.	37,676

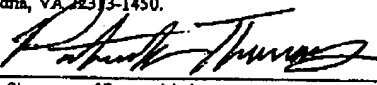
CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
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Typed or printed name	Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Durham, Kevin P.  
Serial No.: 10/602,841  
Filing Date: June 24, 2003  
Group No.: 3676  
Confirmation No. 9287  
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Signature of Person Mailing Correspondence	
Patrick Thomas	
Typed or Printed Name of Person Mailing Correspondence	
Express Mail Label No.	EL 812639870 US
Date of Signature:	April 18, 2005

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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